

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

LESLIE C. BROWN,
Plaintiff,

v.

Civil No. 3:22cv187(DJN)

UNKNOWN,
Defendants.

MEMORANDUM OPINION

Plaintiff, a former Virginia inmate proceeding *pro se* and *in forma pauperis*, filed this 42 U.S.C. § 1983 action. (ECF No. 1.) To state a viable claim under 42 U.S.C. § 1983, a plaintiff must allege that a person acting under color of state law deprived him or her of a constitutional right or of a right conferred by a law of the United States. *See Dowe v. Total Action Against Poverty in Roanoke Valley*, 145 F.3d 653, 658 (4th Cir. 1998) (citing 42 U.S.C. § 1983).

Plaintiff's current allegations fail to provide each defendant with fair notice of the facts and legal basis upon which his or her liability rests. Accordingly, by Memorandum Order entered on July 8, 2022, the Court directed Plaintiff to submit a particularized complaint within thirty (30) days of the date of entry thereof. (ECF No. 3.) The Court warned Plaintiff that the failure to submit a particularized complaint would result in the dismissal of the action.

On August 10, 2022, the United States Postal Service returned the July 8, 2022 Memorandum Order to the Court, because it appeared that Plaintiff had failed to provide the Court with his current address. Further review of the docket reflected that, on May 5, 2022, Plaintiff informed the Court that he was scheduled to be released on June 17, 2022 and provided his address upon his release. Accordingly, by Memorandum Order entered August 26, 2022, the

Court directed the Clerk to mail the July 8, 2022 Memorandum Order to Plaintiff and the Court directed Plaintiff to comply with the terms of the July 8, 2022 Memorandum Order within twenty (20) days of the date of entry thereof. (ECF No. 11.)

Thereafter, on September 14, 2022, an associate of Plaintiff contacted the Clerk's Office and stated that Plaintiff had not received a copy of the August 26, 2022 Memorandum Order. Accordingly, on September 14, 2022, the Clerk remailed Plaintiff a copy of the August 26, 2022 Memorandum Order. Nevertheless, as of today's date, Plaintiff has failed to submit a particularized complaint. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate order will accompany this Memorandum Opinion.

Let the Clerk file a copy of the Memorandum Opinion electronically and send a copy to Plaintiff.

/s/



David J. Novak
United States District Judge

Richmond, Virginia
Dated: October 7, 2022